

PROB 12C
(6/96)

United States District Court

for

WESTERN DISTRICT OF TEXAS

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jesus Maldonado

Case Number: 1:18-CR-00067-LY(1)

Name of Sentencing Judicial Officer: Honorable Lee Yeakel U.S. District Judge

Date of Original Sentence: August 17, 2018

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: 33 months' imprisonment, followed by a three-year term of supervised release. Special conditions include: substance abuse treatment; substance abuse testing; abstinence from alcohol and all other intoxicants; shall not use or possess any controlled substance without a valid prescription; search; and a \$100 special assessment (satisfied)

Type of Supervision: Supervised Release

Date Supervision Commenced: November 5, 2020

Assistant U. S. Attorney: Daniel Guess

Defense Attorney: Oscar Buitron (appointed)

PREVIOUS COURT ACTION

On March 23, 2021, a Probation Form 12B was filed with the Court to address the defendant's March 5, 2021 arrest for Driving While Intoxicated and Possession of a Controlled Substance, as well as his drug use and negative peer association. It was respectfully recommended that the defendant's conditions be modified to include inpatient treatment, refrain from any psychoactive substances, Location Monitoring, and have no contact with Juan Gabriel Gonzalez. The Court concurred with the recommendation.

On April 12, 2021, a Probation Form 12C was filed alleging the defendant's March 5, 2021 arrests; failure to submit to random drug tests on March 10, 31, and April 4, 2021; admitted use of cocaine which resulted in a positive drug test on March 15, 2021; failure to attend a previously scheduled telemedicine counseling session on April 7, 2021; failure to report for inpatient treatment on April 8, 2021; failure to follow the instructions of the probation officer; and failure to report a change of address. A warrant was issued for his arrest the same date. On December 28, 2021, the warrant was executed. Revocation proceedings remain pending.

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PETITIONING THE COURT

☒ [X] To issue a warrant

☐ [] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation of Mandatory Condition No. 1: “The defendant shall not commit another federal, state, or local crime during the term of supervision.”

Nature of Non-Compliance: On March 5, 2021, at 12:08am, an Austin Police Department (APD) officer conducted a traffic stop after observing a moving violation by Maldonado. The driver was identified as Jesus Maldonado, and his passenger was Juan Gonzalez. Maldonado had slurred speech, red, glossy eyes and there was an odor of alcohol and marijuana emitting from inside the vehicle. Both Maldonado and Gonzalez were trying to reach between the center console and the front passenger seat which caused the officer to draw his firearm as he believed they were reaching for a weapon. The officer questioned Maldonado, who admitted to smoking K2 marijuana. Additional officers arrived and a search of the vehicle was conducted, and the following was found crack cocaine-3.3grams, methamphetamine-1.1grams, and marijuana. Also found was a scale with white powder residue, and two open alcohol containers. Maldonado was found with over \$622 in cash on him. He failed standardized field sobriety tests and was arrested for Driving While Intoxicated and two charges of Possession of a Controlled Substance Penalty Group One, Greater than or Equal to One Gram but less than Four Grams (felonies). *Maldonado was booked into the Travis County Jail, and the cases were filed under case numbers C-1-CR-21-201895, D-1-DC-21-201181 and D-1-DC-21-201182, respectively.*

On April 8, 2021, warrants of arrest were issued by the Travis County District Court under case numbers D-1-DC-21-201181 and D-1-DC-21-201182.

On April 13, 2021, a warrant of arrest was issued by the Travis County Court under case number C-1-CR-21-201895.

On April 20, 2021, Travis County District Court case number D-1-DC-21-201181 was rejected without prosecution.

On July 20, 2021, Maldonado was arrested by the Giddings Police Department for Possession of a Controlled Substance Penalty Group One, Greater than or Equal to One Gram but less than Four Grams (felony); Possession of a Controlled Substance Penalty Group One, Greater than or Equal to Four Grams but less than 200 Grams (felony); and Possession of Marijuana (misdemeanor). He was booked into the Lee County Jail. As of this writing, no charges have been filed in the Lee County Courts.

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On August 25, 2021, Maldonado bonded out of the Lee County Jail and was transported to the Travis County Jail pending court appearances for his March 5, 2021 felony and misdemeanor cases. The same date, Maldonado posted bond under the misdemeanor Possession of Marijuana case (C-1-CR-21-201895); however, he remained in custody pending a bond hearing under the felony charge.

On September 9, 2021, Maldonado bonded out of the Travis County Jail under Travis County District Court case number D-1-DC-21-201182.

On December 7, 2021, an officer with the Austin Police Department conducted a traffic stop. A record check of the license plate revealed the plate had been reported stolen. Contact was made with the driver, who identified himself as Mareano Garza. A search of the driver's pockets revealed a wallet which contained the driver's Texas identification card. The driver was identified as Jesus Maldonado. Maldonado was found to have an outstanding warrant. He was issued a citation for No Driver's License. He was arrested and booked into the Travis County Jail for Fail to Identify Fugitive Give False Information, under Travis County Court case number C-1-CR-21-210644. On December 21, 2021, the case was dismissed.

Violation of Standard Condition No. 9: "If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours."

Nature of Non-Compliance: Maldonado was released from state custody on March 6, 2021. He failed to contact his probation officer within 72 hours of his arrest. It wasn't until March 15, 2021, that Maldonado finally returned the probation officer's calls and texts. He reported he was scared to report because of his new arrest.

Maldonado was released from state custody on September 9, 2021. He failed to contact the Probation Office.

Violation of Special Condition: "The defendant shall participate in an in-patient substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants."

Nature of Non-Compliance: On March 23, 2021, Maldonado's conditions of supervision were modified for him to participate in an inpatient treatment program. He was directed to report to Lifetime Recovery Center, on April 8, 2021, at 1pm. He failed to report as directed.

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Violation of Special Condition: “The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant reverted to the use of drugs. A probation officer may supervise the participation in the program. The defendant shall pay the costs of such treatment to the extent the defendant is financially able.”

Nature of Non-Compliance: From February 4, 2021, to the initial filing of this petition, Maldonado failed to call COMPLY, the daily random drug test system. He failed to submit to random drug tests on March 10, 31, and April 4, 2021. On April 7, 2021, he failed to attend his individual telemedicine counseling session.

Violation of Special Condition: “The defendant shall refrain from the use of alcohol and all other intoxicants during the term of supervision.

Nature of Non-Compliance: On March 15, 2021, a urinalysis test returned positive for cocaine. A verbal admission from Maldonado was received.

Violation of Standard Condition No. 8: “The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the Probation Officer.”

Nature of Non-compliance: On March 5, 2021, Maldonado associated with Juan Gabriel Gonzalez, who was engaging in criminal activity. Both he and Maldonado were arrested on charges of Possession of Controlled Substance.

Violation of Standard Condition No. 13: “The defendant shall follow the instructions of the probation officer related to the conditions of supervision.”

Nature of Non-Compliance: On March 19, 2021, during a home visit Maldonado was instructed to stay in regular communication with his U.S. Probation Officer, to call the random drug test line, and attend all drug counseling sessions. This was the last communication the Probation Office had with Maldonado. In a continued effort to contact Maldonado, multiple telephone calls, texts, and SMS notifications were made by the Probation Office. However, none have resulted in locating him or having him respond to the attempted contacts.

Violation of Standard Condition No. 5: “The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.”

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Nature of Non-Compliance: Due to Maldonado not responding to telephonic attempts by the Probation Office, on April 1, 2021, a telephone call was made by a Supervisory U.S. Probation Officer to Selena Maldonado, the defendant's mother. She reported her son comes and goes as he pleases and at that time his whereabouts were unknown to her and although she has attempted to contact him, he is not responding to her calls either. Lastly, on April 7, 2021, during a home visit, the probation officer spoke to Maldonado's mother, who reported she had not seen or heard from him in approximately a week. The whereabouts of Maldonado remained unknown at the time of the initial filing of this petition.


U. S. Probation Officer Recommendation: Maldonado has violated the conditions of his supervision as evidenced by his new law violations, narcotic use, and failure to abide by his conditions. Therefore, it is respectfully recommended his term of supervised release be revoked.

Approved by,



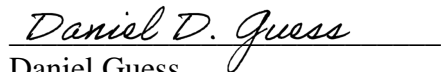
Hector J. Garcia
Supervising U.S. Probation Officer

Respectfully submitted,



Heather M. Durand
Senior U.S. Probation Officer
Date: January 6, 2022

Received by,



Daniel Guess
Assistant U.S. Attorney

☒ recommend ☐ does not recommend Justification: _____

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THE COURT ORDERS:

☐ No Action

☐ The Issuance of a Warrant

☐ The Issuance of a Summons

☒ Other: *Continue the warrant issued April 12, 2021, in effect.*



Honorable Susan Hightower
U.S. Magistrate Judge

January 10, 2022
Date